

REMARKS/ARGUMENTS

Introduction

This application includes claims 1-41. With this amendment Applicants have amended claims 1, 15, 20, 25, and 36, cancelled claims 9-11 and 30-35 without prejudice or disclaimer of subject matter, and withdrawn claims 27, 28, and 38-41. Further, Applicants have added claims 42-50. As such, Applicants respectfully request examination of claims 1-8, 12-26, 29, 36, 37, and 42-50 and leave claims 27, 28, and 38-41 as pending, but withdrawn.

Restriction

The Examiner indicated in the Office Action that each original independent claim and its respective dependent claims are drawn to a distinct invention. In particular, the Examiner grouped the claims as follows:

- Group I: Claims 1-14 and 25-41, drawn to a vehicle with expansion portion, classified in class 296, subclass 26.01;
- Group II: Claims 15-19, drawn to a combination expanding vehicle with a seat, classified in class 296, subclass 64;
- Group III: Claims 20-24, drawn to a subcombination expandable vehicle subassembly, classified in class 224, subclass 484.

With this amendment Applicants have amended claim 20 to depend from independent claim 1. As such, two independent claims remain, claim 1 (Group I) and claim 15 (Group II). Applicants traverse the restriction requirement and submit that claims 1 and 15 and their respective claims as currently presented should not be subject to restriction for the reasons provided below. However, to the extent the Examiner maintains the requirement for restriction between claims 1 and 15 Applicants provisionally elect Group I including claim 1 and its respective dependent claims.

The Examiner indicated in numbered paragraph 4 of the Office Action that Group I and Group II are distinct "as claimed because at least a second volume larger than a first volume is not required." Applicants have amended claim 15 to recite "A passenger vehicle; including: a body; an expansion portion ... configured to expand longitudinally between a first position defining a first volume of interior space, and a second position defining a second volume of interior space, the second volume being larger than the first volume;" As such, Applicants submit that both claims 1 and 15 recite "the second volume being larger than the first volume." Therefore, the Examiner's basis for restriction is moot. Applicants

request that both independent claims 1 and 15, along with their respective dependent claims be examined.

The Examiner further asserts that the claims include several patentably distinct species and requires Applicants to elect a species for prosecution. In response, Applicants elect the species of Figs. 26 and 27. Applicants submit that claims 1-8, 12-26, 29, 36, 37, and 42-50 read on the elected species and that at least independent claims 1 and 15 are generic.

Regarding claims 4-6, 13, and 16, Applicants submit that these claims are directed to the elected species at least because the specification states "that any of the various embodiments of expansion portion 12 described herein, as well as any of the various actuation and support assemblies 120 described herein, may be used in conjunction with the alternative configurations depicted in Figs. 13-28." Specification, page 12, lines 15-19.

Regarding claim 14, Applicants submit that this claim is directed to the elected species at least because the specification states "that lower wall 55 in the embodiment of Figs. 26 and 27 may be of the extended version type depicted in broken lines in Fig. 5 such that the forward portion of lower wall 55 has a reduced width relative to the rearward portion of lower wall 55 to move between wheel wells 38. " Specification, page 16, lines 8-12.

Regarding claims 17-24, Applicants submit that these claims are directed to the elected species at least because the specification states "that ... any of the various actuation and support assemblies 120 described herein, may be used in conjunction with the alternative configurations depicted in Figs. 13-28." Specification, page 12, lines 15-19. Further, the specification states "that any of the variations of assembly 120 described herein may be used with any of the embodiments of expansion portion 12 described herein." Specification, page 10, line 33 to page 11, line 1.

Regarding claim 26, Applicants submit that this claim is directed to the elected species at least because the specification states "that second row seat 138, as well as any other seat described herein, may be moveably mounted to floor 22 (or lower wall 55) such that seat 138 can swivel between a forward facing orientation and a rearward orientation or be adjusted between these orientations by employing the teachings of U.S. Provisional Patent Application Serial No. 60/480,204 entitled 'Vehicle Seat.'" Specification, page 13, lines 5-9.

New Claims

With this amendment Applicants have added claims 42-50 which depend from claim 1. Applicants submit that claims 42-50 are directed to the elected species. Consideration of these claims is respectfully requested.

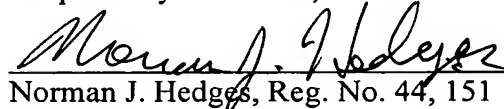
Final Remarks

Claims 1-8, 12-29, and 36-50 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Baker & Daniels LLP Deposit Account No. 02-0390.

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Norman J. Hedges", is written over a horizontal line.

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